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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**UTE INDIAN TRIBE OF THE UINTAH  
AND OURAY RESERVATION, a federal  
recognized Indian tribe**

**Plaintiff,**

**v.**

**GREGORY D. McKEE; T & L  
LIVESTOCK, INC.; McKEE FARMS,  
INC.; G M FERTILIZER, INC.**

**Defendants.**

**SCHEDULING ORDER**

**Case No. 2:23-cv-00257-HCN-JCB**

**District Judge Howard C. Nielson, Jr.**

**Magistrate Judge Jared C. Bennett**

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Before the court is the parties' stipulated motion for scheduling order and Attorney Planning Meeting Report.<sup>1</sup> Based upon the parties' stipulation, the court GRANTS the motion. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

<b>1.</b>	<b>PRELIMINARY MATTERS</b>	<b>DATE</b>
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Nature of claims and any affirmative defenses:  
*Plaintiff seeks declaratory judgment and equitable relief under 28 U.S.C. § 2201 and § 2202 related to (i) Defendants' misappropriation of tribal waters from the Uintah Indian Irrigation Project, and (ii) Defendants' operation of a cattle feedlot. The Plaintiff additionally seeks damages for injuries sustained through both the theft of tribal water and the negligent and/or illegal operation of Defendants' cattle feedlot. Defendants dispute the Plaintiff's allegations and deny legal liability.*

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<sup>1</sup> ECF No. 17.

- a. Date the Rule 26(f)(1) conference was held: 08/14/2023
- b. Date the parties submitted the Attorney Planning Meeting Report: 08/29/2023
- c. Deadline for 26(a)(1) initial disclosures not previously disclosed: 09/15/2023

**2. DISCOVERY LIMITATIONS** **NUMBER**

- a. Maximum number of depositions by Plaintiff(s): 12
- b. Maximum number of depositions by Defendant(s): 12
- c. Maximum number of hours for each deposition (unless extended by agreement of parties): 7
- d. Maximum interrogatories by any party to any party: 25
- e. Maximum requests for admissions by any party to any party: 25
- f. Maximum requests for production by any party to any party: No limitation
- g. The parties shall handle discovery of electronically stored information as follows: *The parties will produce electronically stored information in the format in which it is maintained in the normal course.*
- h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: *The parties will follow the procedures outlined in Fed. R. Civ. P. 26(b)(5)(B) and Fed. R. Evid. 502.*
- i. Last day to serve written discovery: 11/15/2023
- j. Close of fact discovery: 12/15/2023
- k. (optional) Final date for supplementation of disclosures and discovery under Rule 26(e): 00/00/00

<b>3.</b>	<b>AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>1</sup></b>	<b>DATE</b>
a.	Last day to file Motion to Amend Pleadings:	<u>Plaintiff</u> <u>02/19/2024</u>
		<u>Defendants</u> <u>03/11/2024</u>
b.	Last day to file Motion to Add Parties:	<u>Plaintiff</u> <u>02/19/2024</u>
		<u>Defendants</u> <u>03/11/2024</u>
<b>4.</b>	<b>RULE 26(a)(2) EXPERT DISCLOSURES &amp; REPORTS</b>	<b>DATE</b>
	<b>Disclosures (subject and identity of experts)</b>	
a.	Party(ies) bearing burden of proof:	<u>01/22/2024</u>
b.	Counter disclosures:	<u>02/20/2024</u>
	<b>Reports</b>	
a.	Party(ies) bearing burden of proof:	<u>02/20/2024</u>
b.	Counter reports:	<u>03/19/2024</u>
<b>5.</b>	<b>OTHER DEADLINES</b>	<b>DATE</b>
a.	Last day for expert discovery:	<u>05/17/2024</u>
b.	Deadline for filing dispositive or potentially dispositive motions:	<u>07/16/2024</u>
c.	Deadline for filing a request for a scheduling conference with the district judge for the purpose of setting a trial date if no dispositive motions are filed:	<u>07/23/2024</u>
c.	Deadline for filing partial or complete motions to exclude expert testimony:	<u>07/16/2024</u>

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Likely to request referral to a magistrate judge for settlement conference:	<u>Yes</u>
b.	Likely to request referral to court-annexed arbitration:	<u>No</u>
c.	Likely to request referral to court-annexed mediation:	<u>No</u>
d.	The parties will complete private mediation/arbitration by:	<u>N/A</u>
e.	Evaluate case for settlement/ADR on:	<u>07/15/2024</u>
f.	Settlement probability: <i>Unknown</i>	

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
	If dispositive motions are filed and the district judge's ruling on those motions does not resolve the case, the parties shall file a request for a scheduling conference with the district judge for the purpose of setting a trial date no later than one week after the ruling on the dispositive motions.		

8.	OTHER MATTERS
	Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

Signed August 29, 2023.

BY THE COURT:

  
 JARED C. BENNETT  
 United States Magistrate Judge